

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
JUNE 13, 2007**

**CALL TO  
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Michael Mower, Randy Toavs, Gordon Cross, Gene Dziza, Kathy Robertson, Kim Fleming, and Frank Dekort. BJ Grieve and Eric Giles represented the Flathead County Planning & Zoning Office.

There were approximately 40 people in the audience.

**PUBLIC REVIEW**

Gene Dziza reviewed the public hearing process.

**APPROVAL OF  
MINUTES**

No minutes were approved.

**PUBLIC  
COMMENT  
(not related to  
agenda items)**

None.

**ZONE CHANGE/  
BILL TANNER  
FZC 06-20**

A Zone Change request in the Bigfork Zoning District, by Todd Tanner, Robert and Marlene Moriarty, Sherry Carter, 5 Star Management LLC, and Strawberry Development LLC, from R-1 (Suburban Residential), and R-2 (One-Family Limited Residential), to R-3 (One-Family Residential), and R-4 (Two-Family Limited Residential). The properties are located at 401, 404, 405, 410 and 420 Windsor Drive, and contain 5.599 acres.

**STAFF REPORT**

BJ Grieve reviewed Staff Report FZC 06-20 for the Board.

**BOARD  
QUESTIONS**

Cross asked what section is proposed to be R4 and where the access would be.

Grieve showed on the map where the existing R4 zoning is and how the property was accessed.

Cross asked about congestion on the street.

Grieve said "vehicle amounts traveled" would be a good way to interpret how congested the street would be.

Cross asked for the date of the Bigfork Land Use Advisory Committee (BLUAC) meeting.

Grieve said the Committee met on May 31<sup>st</sup>. He said in a noticed

public hearing the Board had the option of modifying the zone change application if the applicant wanted to do so.

## **APPLICANT**

Bill Tanner, represented the applicants, had gone through the process of BLUAC and had an open house. He decided to amend the zoning request to R3 instead of R4. He said the R3 zoning keeps in spirit with the neighborhood because it is single-family zoning. He has been in the area for several years and a year ago he came before the Board to request changing R1 zoning to R3 zoning because the property was adjacent to sewer and water. The reason he is asking for R3 zoning is because R2 zoning has a minimum lot size of 20,000 square feet. He said the character of the lots would not be significantly changed. In efforts to appease the neighbors he is asking for R3 zoning. He showed on the map what the current zoning is on the adjoining properties. He feels it well serves the needs of the area.

Robertson asked how much density would be reduced with R3 zoning instead of R4.

Tanner said the real difference in density is R3 zoning is single-family designation, not multi-family.

Robertson said the living units per acre would go from four to six.

Tanner said there is a significant contour in the area so the land can not be developed very well. He said internal roads would be necessary.

Robertson asked if it was Tanner's intention to develop the land.

Tanner said yes and at the most it would be 10 lots.

Cross asked if he owned the property when he requested the zone change to R1.

Tanner said no, he bought it afterwards.

Cross asked why R2 zoning wouldn't work for the property.

Tanner said R2 zoning is a minimum lot size of 20,000 square feet but R3 zoning can have a lot size of 17,000 square foot.

Cross said a house could be built on the land as it is now.

Tanner said a house could be built, but R3 zoning isn't going to

change the character of the area. He said sewer and water is currently in the area and it would be an easy tie in to the properties.

**AGENCIES**

None.

**PUBLIC  
COMMENT**

Charles Jentzen, 510 Windsor Drive, president of Windsor Drive Property Owners Association, decided Bigfork was the place he wanted to live. It was zoned R1 and they liked the property size and regulations. They were guaranteed by their real estate agent it would remain that way. In 1994 he was able to retire and build his retirement home, and now part of Windsor Drive is zoned R2 and developed into 17 lots. It was against the BLUAC and all of the property owners wishes, but it happened. He said most of the lots in the area are 2 acres or more. He is disappointed the zoning has changed the character of the area so much. He thinks this zone change will have a domino effect for all the properties on Windsor Drive. He is worried more property will be developed and served by a single road. He said it is an accident waiting to happen.

Lesley Duthie, 269 Lake Hills Drive, passed out her letter to the Board. She talked to the Board about some logical reasons for denial of the zone change. The school bus goes right by her house and has to back up Windsor Road to get out and the road conditions are already showing wear and tear due to the increase of traffic. There are no sidewalks or curbs so the road is used as a sidewalk and parking area. In the past 7 years crime has increased 40 percent. If a fire happens there are safety issues in the area with no secondary access for a fire engine to come and go. She wants the problems fixed before the zoning is changed.

Christy Franklin, 295 Lake Hills Drive, owns property below the proposed zone change. She said Tanner tried to buy her house, but she refused and then he came to her home and tried to persuade her. If the property is rezoned then it is permanent and the Board doesn't know what is going to happen in the future. There are no sidewalks to play on so children play in the street. If traffic increases the children will be in more danger. The road is one way in and one way out. She is concerned emergency service providers might not be able to get to the houses. Windsor Drive is very tiny private road but open to walking people. There are 30 houses on Lake Hill Drive. She grew up in Bigfork and has seen the growth. She is not opposed to growth or affordable housing, but told the Board Lake Hills is not the place to do it.

Glen Bitter, Windsor Drive, has been retired for a number of

years. He said covenants are binding agreements between parties based on honor, respect, and cooperation. He spoke in opposition to the zoning because it would breach the covenants. The proposal is different because it breaks up an existing neighborhood by changing the character. He asked the Board to deny the application.

Vern Chillers, 295 Church Hill Drive, represented the homeowners on safety issues. He was Bigfork's Fire Chief for 30 years. He said the property is a huge torch waiting to go up. There is one way in and one way out. He said the school bus has to back up to get out of the road. He asked the Board to deny the application.

Mike Lissen, 311 Lake Hills Drive, said he doesn't want the application approved. He has five kids and they wait for the bus to back up and then go forward before they get on bus. He thinks more things need to be done before any more development happens in the area.

Charles Lusher, 525 Windsor Drive, said he bought the property in the 1980's and talked to every one in the neighborhood to make sure they would have the right kind community they wanted to live in. It is important to have a place of character. He is worried if the application is approved then more properties will be developed and more zoning will be changed. He said Windsor Court has 17 lots but only 3 of them are developed.

Sue LaRoche, 391 Windsor Drive, acted as a liaison for out-of-town property owners. Steven Patyk wrote a letter stating he is opposed to the zone change.

Todd Tanner, 410 Windsor Drive, is most affected by the zone change. He moved to the area in October. He said Lower Windsor Drive is vastly different in character than Upper Windsor Drive. He plans on building the houses so he can control how they look for the area. He is an avid cyclist and rides his bike on the road numerous times a day and said it's rare that there are problems on the road.

Sue Hanson, 220 Swan Hill Road, handed out two letters that Staff hadn't received. She said the R4 zoning was not the only concern at the BLUAC meeting. She is worried if the property becomes zoned someone will do a PUD. She said the area on top of Windsor Drive is not served by Bigfork Water and Sewer because it can't be pumped that high.

Craig Wagner, Vice President of the Bigfork Steering Committee, said just because one piece of land has water and sewer it doesn't mean the whole development can get it. He completely supports the BLUAC's recommendation of denial.

Pat Wagner, Secretary of the Bigfork Steering Committee, said Bigfork will not issue a will-serve letter.

Fred LaRoche, 391 Windsor Drive, agreed with comments he heard. Windsor Drive is a private road and everybody contributes to the maintenance of the road. Tanner didn't work with the association in regards to the zone change and thought Tanner should have informed the association. He asked the Board to vote no on the zone change.

Kate Jensen, 393 Lake View Drive, said Bigfork needs the type of development Tanner planned but not in this area.

#### **APPLICANT REBUTTAL**

Tanner discussed freedom of choice and doesn't take the neighbors comments personally. He appreciates their willingness to share how they feel. He said Lake Hills road is not in great shape and needs upgraded and repaired. When he decided to do a zone change he made an agreement to never oppose an SID. He discussed the property adjacent to the South and said it is zoned R4. He wanted to find another access for the road because of the safety issues but there were no other accesses possible. He said the maximum number of houses that could be built was between five and six. He thinks deadfall should be cleared out of the land to help prevent fires.

#### **STAFF REBUTTAL**

Grieve said he determined the 1.74 acre parcel could have five to six lots. He said a PUD has a minimum two-acre lot size, but Tanner could do a boundary line adjustment without going through subdivision review. Grieve explained to the public what a PUD is.

Cross asked what the Bigfork Steering Committee is.

Grieve said the BLUAC is a committee to make recommendation to Planning Board. The Steering Committee is a sub-committee used to work on neighborhood plans, etc.

#### **BOARD DISCUSSION**

None.

**MOTION TO  
ADOPT F.O.F.**

Fleming made a motion seconded by Robertson to adopt Staff Report FZC 06-20 as findings-of-fact.

**BOARD  
DISCUSSION**

Cross said there was nothing in the Staff Report about the BLUAC.

Grieve said the BLUAC decision has been entered into public record.

Fleming commented on the congestion on Highway 35.

**MOTION TO  
AMEND F.O.F. 2**

Fleming made a motion seconded by Robertson to amend finding-of-fact 2 to state: *traffic at intersection of Lake Hills Drive and Highway 35 is very congested and hard to get out.*

**ROLL CALL  
FOR F.O.F. 2**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION**

Cross said there was a fair amount of information provided stating that urban conditions do not exist in the area.

Robertson asked if there was anything in the Staff Report about the road being a one way in and one way out road.

**MOTION TO  
AMEND F.O.F.  
6 & 7**

Cross made a motion seconded by DeKort to amend finding of fact 6 and 7: *The Bigfork Land Use Advisory Committee (BLUAC) met on May 31, 2007 and voted 5-0 to deny the application. Sue Hanson, secretary of the BLUAC, stated at the Planning Board public hearing on 6/13/2007 that BLUAC did not consider the area to be suitable for urban zoning.*

**ROLL CALL TO  
AMEND F.O.F.  
6&7**

On a roll call vote the motion passed unanimously.

**MOTION TO  
ADD F.O.F 9**

Robertson made a motion seconded by DeKort to add finding-of-fact 9 to state: *There is no emergency/secondary access existing or proposed.*

**ROLL CALL  
FOR F.O.F. 9**

On a roll call vote the motion passed 7-1 with Toavs dissenting.

**ROLL CALL  
TO ADOPT  
F.O.F.**

On a roll call vote the motion passed unanimously.

**MOTION TO  
DENY**

Fleming made a motion seconded by Robertson to recommend denial of FZC 06-20 to the County Commissioners.

**BOARD  
DISCUSSION**

Fleming said her concern is how many lots could be put in the area. She said zoning does protect people's property rights. She feels it would be a great disservice to the people in the area if the Board granted the zone change. She said the road is not fit for the extra traffic.

Robertson said there is a lot of area that is not built on and R3 zoning would establish a precedent in the area. She said it is an unsafe place and R3 zoning would make it more unsafe.

Cross commented to the residents that zoning can be changed and is not etched in stone. It is a way for areas to transition.

Dziza said land use evolves and that is the nice thing about zone changes. It can change with public need.

Robertson said the BLUAC recommendation is something the Board needs to seriously consider.

**ROLL CALL TO  
DENY**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION**

None.

**PRELIMINARY  
PLAT/  
LOGAN  
ESTATES  
FPP 06-47**

A request by Kathleen Lykins and Linda Walsten for Preliminary Plat approval of Logan Estates, a sixteen lot single-family residential subdivision on 26.967 acres. Lots in the subdivision are proposed to have public water and individual septic systems. The property is located between MT Highway 35 (northern boundary) and Holt Stage (southern boundary).

**STAFF REPORT**

Eric Giles reviewed Staff Report FPP 06-47 for the Board.

**BOARD  
QUESTIONS**

DeKort asked where the private road to the west was.

Giles pointed on the map where it was.

Cross discussed different parts of the Growth Policy regarding roads. He didn't know if the subdivision complied.

Giles said the roads are mainly private properties with driveways that access onto Highways. He said the subdivision is providing a structure for the road network and is still meeting the intent of

the Growth Policy. He said the applicant will have to comply with anything MDOT requires.

Dziza asked if the homeowner's park was accepted on a recommendation by Fish, Wildlife, and Parks.

Giles said it came from Fish, Wildlife, and Parks.

Robertson showed a map of the previous submittal and read a paragraph from the Creston Fire Department's letter.

**APPLICANT**

Bob Erickson, of Jackola Engineering, representing applicant. He said the west side accesses were kept out because the owners didn't want to have the added impact to the community. He said the applicants have been in constant communication with MDOT and received verbal confirmation they can rebuild the approach. He said condition five should read Highway 35. He is concerned the fire district could deny access on Highway 35. He asked condition 13 to be removed.

**BOARD  
QUESTIONS**

None.

**AGENCIES**

None.

**PUBLIC  
COMMENT**

Charles Lapp, 3230 Columbia Falls Stage Road, thinks what is done to connect to the East roads is a good plan. He said there needs to be a mechanism in place where the County can defend the right to access the strip if more development comes along in the future.

**APPLICANT  
REBUTTAL**

Jackola said it is a controlled access onto the highway. He said the applicant does not have the ability to create a different approach.

**STAFF  
REBUTTAL**

Giles said if the school doesn't want a bus stop they don't need to build one.

**MOTION TO  
ADOPT F.O.F.**

Fleming made a motion seconded by Robertson to adopt Staff Report FPP 06-47 as findings-of-fact.

**ROLL CALL TO  
ADOPT F.O.F.**

On a roll call vote the motion passed unanimously.

**MOTION TO  
APPROVE**

Robertson made a motion seconded by Mower to recommend approval of FPP 06-47 as amended to the County Commissioners.

**MOTION TO  
AMEND  
CONDITION 13**

Fleming made a motion seconded by Robertson to amend condition 13 to state: *A school bus stop will be established and constructed in a location approved by the Superintendent of Schools and the Child Transportation Committee if required. This location will be indicated on the face of the final plat.*

**ROLL CALL TO  
AMEND  
CONDITION 13**

On a roll call vote the motion passed unanimously.

**MOTION TO  
ADD  
CONDITION 24**

Robertson made a motion seconded by DeKort to add condition 24 to state: *Open space in the homeowner's park shall be landscaped including planting vegetation to create some wildlife habitat and provide a noise buffer for residents.*

**ROLL CALL TO  
ADD CONDTION  
24**

On a roll call vote the motion passed 6-2 with Fleming and Toavs dissenting.

**BOARD  
DISCUSSION**

Hines said the traffic is horrendous on the roads.

Toavs said more subdivisions will want to access onto the highway and will cause more traffic.

Mower said the whole subdivision could be redesigned by inserting a cul-de-sac.

Giles said the length of a cul-de-sac can only be 1,000 feet.

Mower asked where the nearest fire station was.

Dziza said right next door.

The Board discussed the cul-de-sac, accesses, and Highway 35.

**MOTION TO  
ADD  
CONDITION 25**

Hines made a motion seconded by Robertson to add condition 25 to state: *Holt Stage shall be paved for the full length of the subdivision.*

**ROLL CALL TO  
ADD  
CONDITION 25**

On a roll call vote the motion passed 5-3 with Mower, Cross and Toavs dissenting.

**ROLL CALL TO  
APPROVE**

On a roll call vote the motion passed 5-3 with Hines, Fleming and Robertson dissenting.

**PRELIMINARY  
PLAT/  
SWEETGRASS  
FPP 07-18**

A request by Erik and Rita Brandin for Preliminary Plat approval of Sweetgrass Ranch, a thirty-nine lot single-family residential subdivision on 124.77 acres. Lots in the subdivision are proposed to have neighborhood water and individual septic systems. The property is located at 310 Highway 206.

**STAFF REPORT**

Eric Giles reviewed Staff Report FPP 07-18 for the Board.

**BOARD  
QUESTIONS**

Dziza asked if the floodplain delineation map was from FEMA or the applicant.

Giles said the applicant.

Fleming said the map showed 100-ft setbacks from the floodplain and asked if there was going to be a no-build zone.

Giles said the 100-ft set back from septic systems is a state requirement. He said there was no discussion of a no-build zone.

Fleming asked about the drainage ditch.

Giles said it drains from the neighbor's property onto the applicants.

Dziza asked what Giles based his groundwater depth on.

Giles said it was developed by the Flathead Lakers and discussed how the depth was measured.

Cross asked how many lots the original Sweetgrass proposal had.

Giles said he treated this file as a new file and the applicant reduced the lots by about 15. He didn't know why the Commissioners denied the first application.

**APPLICANT**

Michael Chesser, applicant, said the last submission was 55 lots and the Commissioners turned it down 2-1 because they didn't agree with the findings-of-fact. Chesser tried to address everyone's concerns about project. He said the project is designed for people who will enjoy rural living but don't have time to maintain a large parcel of land. He learned a lot from listening to the Commissioners, Planning Board, consultants,

and neighbors. He understands the trees and wildlife are very important. He plans on saving all the trees in the floodplain and adding hundreds more. He is leaving room for wild life and putting in much less density. He honestly tried to address every issue brought up and thinks it is a good development. He has 10 technical assistants and they are all from the area.

Mike Fraser, represented the applicant, said there are 39 lots total. He said the land is classified as sandy well grain soils. The site is bisected by Blaine Creek and is shown on USGS maps as an intermediate stream. He said there is habitat around Blaine Creek. The development is 3.2 acres per lot. He handed out a vicinity map of the larger area noting other developments and compared them to his. The application was submitted March 19, 2007 the same day as the Growth Policy was adopted. He said the Growth Policy is not regulatory document; it is in place to ensure the promotion of public health, safety, morals, general welfare, etc. The Commissioners had some concerns over density so they went from 55 lots to 39 lots. He showed 28-30 acres of open space. He discussed the layout of the project and said there will be no development allowed in the floodplain. There will be less impact with individual septic systems. He said Sweetgrass is a difficult site because of the floodplain issues but they are not proposing any development in the floodplain. He said the community water system also has fire protection. The neighbors are concerned about preservation of trees, but the applicant plans on preserving most of the trees. He discussed the letters that states the CC&R's allow guesthouses. He went over the conditions and findings. He said there are areas subject to flooding, but they were taken out so no one could build on them. He would like to see condition 20d deleted.

Robertson asked where it refers to guesthouses in the CC&R's.

Fraser didn't know.

Robertson said having guesthouses on a lot increases density immensely.

Frasier said the zoning allows a guesthouse in other areas as an accessory structure.

Brian Long, of Long Engineering, said he was there to discuss the use of prime agricultural land. He referenced a letter from a farmer that stated there were no soils on the development site that would be defined as prime. He said the ground is

predominately sandy. Jack Weaver concurred with the findings of the farmer's letter. He said 700 tons of produce per acre equals prime crop. He discussed findings regarding farm land. He received two letters referring to non prime agricultural soils. He said utilizing the USD map as a Bible for determining soils is not appropriate.

**AGENCIES**

None.

**PUBLIC  
COMMENT**

Pat Arnone, 595 Lauman Road, handed out photographs. One of her concerns is this is the 3<sup>rd</sup> time through with the application. The last time it went through the neighbors were concerned about conservation easements. No one has talked to Flathead Land Trust about Sweetgrass. She said traffic is a big concern and to date there has been 110 lots approved which equals 10 extra trips per household per day. She feels that with 30,000 empty lots in the Valley there is no need for something that dense in rural Montana.

Kim Elliott, 255 Lake Blaine Road, said there is a lack of consistency with the different proposals and there are discrepancies in the CC&R's. If the proposal is approved there should be a condition that no trees can be removed and Blaine Creek will be left in a natural state. She doesn't want any equipment in the 100-year floodplain, no unleashed pets, no camping, no storage in 100-year floodplain, and no man-made mechanical system in Blaine Creek.

John Danahoue, 590 Yoeman Hall Road, said the application under review has great importance to himself, his family, and to every property owner in Flathead County. The recommendation the Planning Board takes to the Commissioners may set precedent for years to come. He said the modifications the applicants have made to this point have been good but the plan exceeds the seven elements of the county vision. The application draws upon the most basic rights a property owner has to manage the property to their best use. There needs to be an orderly transition from rural agriculture land to suburban residential land.

Jay Whitney, owns the property mentioned before as prime farming land. He submitted a letter to the Board on May 21<sup>st</sup>. He discussed different types of farming soil and said residential doesn't fit the surrounding area. He referred to data where the water table is, but the data in the tables doesn't match what they talk about in their written submittal. He couldn't recommend

someone to build on the property. He discussed protecting the wildlife. He said there will be problems with trying to put that much density with that many sewers.

Ken Hogan, said he gave the Board a letter and most of the items have already been discussed.

Will Richards spoke on behalf of his cousin. He said her family farmed that land in early 20<sup>th</sup> century. There is high ground water that has been an issue for a long time. He said the creek floods and there is standing water in the fields all the time. He said there are always accidents on the highway. His biggest concern is the precedent this is going to set for building in the future.

Mayre Flowers, Citizens for a Better Flathead, listened to all the testimony and the real issue is the need to draw the line on the amount of development allowed to encroach on prime land. The Board has to look 100 years down the road and see what will be left in Flathead County. Flathead County doesn't need another 40-lot subdivision that takes away prime farm land. She said the average acre in Flathead County is more productive than any other county in the state. She said the environmental assessment and findings-of-fact don't adequately reflect the economic impact of the continued conversion of farm land. It is essential that the Planning Board and Commissioners have all the information necessary before a decision is made.

## **APPLICANT REBUTTAL**

Fraser said they heard a lot of negative testimony but thinks the application can stand as it is alone. The applicant is proposing conservations easements on 28 acres to encompass all the old growth area. The Montana Department of Health requires strict analysis for protection and the conservation easement language has to be in place prior to the final plat. The applicant needs preliminary plat approval to complete condition 19. He agrees there are inconsistencies in the CC&R, but that is why they are just a draft. The technical data about groundwater speaks for itself. He said it is not possible to develop drain fields in areas with groundwater.

Cross asked about the conservation easements on the map.

Fraser said it is different than what's on the maps the Board has.

Randy Snyder, attorney for applicant, prepared the CC&R's. He said the HOA enforces the CC&R's. He disagreed with the comment stating CC&R's are easily changed because it's not easy. He said the CC&R's are layered so there are levels of modification and amendments that can be done. He discussed guest houses and said only 9 to 10 lots would be allowed guest houses. He said the dog/leash control is more stringent than any 38-lot subdivision he has ever seen.

Robertson asked when the most recent copies of CC&R were dated.

Snyder said April 27, 2007.

Giles said the applicant had to submit a working draft of CC&R's for sufficiency.

Chesser said it is hard to hear all the negative comments because of the hard work that has been put into the project. He was there in 2006 and the water never left the banks of Blaine Creek onto his property. He has never been accused of doing anything dishonest.

**STAFF  
REBUTTAL**

Giles said the application is a result of an unzoned unplanned area but the applicants are required to comply with the Growth Policy. He discussed goal 28.9 that states: *Land division resulting in residential densities greater than an average of one dwelling unit per five acres should be discouraged in areas of high groundwater of eight feet below ground surface or less which are not served by a public sewer district.*

**MOTION TO  
ADOPT F.O.F.**

Toavs made a motion seconded by Cross to adopt Staff Report FPP 07-18 as findings-of-fact.

**MOTION TO  
ADD F.O.F. 4**

Fleming made a motion seconded by DeKort to add finding of fact 4 to state: *The proposal does not comply with Policy 28.9 and 40.3 of the Flathead County Growth Policy because individual wastewater systems are proposed and the average lot sizes along Blaine Creek are on average 3.42 acres (gross).*

**BOARD  
DISCUSSION**

Dziza said just because some of the land has high groundwater it doesn't mean the whole subdivision shouldn't be developed.

**ROLL CALL TO  
ADD F.O.F. 4**

On a roll call vote the motion passed 4-3 with Dziza, Toavs and Mower dissenting.

**MOTION TO  
AMEND F.O.F. 7**

Fleming made a motion seconded by Mower to amend finding-of-fact 7 to state: *Due to the evidence presented in the “Effects on the Natural Environment” section of this report, portions of this site are unsuitable for subdivision under Flathead County Subdivision Regulations Section 3.3., because portions of the site are located in areas of flooding and high water table. However, this finding can be mitigated with the imposition of standard conditions and unique conditions #16, #18, #19, #20, #21 and placement of a conservation easement.*

**ROLL CALL TO  
AMEND F.O.F. 7**

On a roll call vote the motion passed unanimously.

**MOTION TO  
AMEND FOF 2  
& 4**

Cross made a motion seconded by Robertson to amend finding-of-fact 2 and 4 to state:

*The subdivision will comply with Policies 3.2, 3.5, 4.5, 16.4, 23.3, 24.2, 26.3, 27.1, 31.1, and 32.1 of the Flathead County Growth Policy with the imposition of standard conditions.*

*The proposal does not comply with Policy 4.3, 4.4, 40.3 of the Flathead County Growth Policy because individual wastewater systems are proposed and the average lot sizes along Blaine Creek are on average 3.42 acres (gross).*

**BOARD  
DISCUSSION**

Fleming said it is very hard to mitigate.

Dziza said it doesn't say anywhere in the Growth Policy that farmers have to keep farming.

**ROLL CALL TO  
AMEND F.O.F. 2**

On a roll call vote the motion failed 3-4 with Cross, Fleming, Toavs, and Mower dissenting.

**ROLL CALL TO  
ADPOT F.O.F.**

On a roll call vote the motion passed 4-3 with Dziza, DeKort, and Robertson dissenting.

**MOTION TO  
DENY**

Fleming made a motion seconded by Robertson to recommend denial of FPP 07-18 to the County Commissioners.

**BOARD  
DISCUSSION**

Fleming didn't think the conditions go far enough to protect the river.

Robertson said the CC&R's weren't up to date and neither was the map. She was glad to hear there would be no fencing.

DeKort said the CC&R's are a work in progress, but think the whole project is a work in progress. When he went to the site it is completely rural and putting in 38 lots would completely change the area.

Mower said it is a work in progress, but they are trying to do all the right things; it's just not done. The rural nature of the County will get changed in this next year. He said this looks like a planned manner and it is the Board's responsibility to make it comply with the Growth Policy.

Dziza liked it the second time it came around. His biggest complaint from neighbors is farmland, but no farmers talked.

**ROLL CALL TO DENY** On a roll call vote the motion passed 4-3 with Mower, Dziza, and Toavs dissenting.

**OLD BUSINESS** None.

**NEW BUSINESS** Fleming made a motion seconded by DeKort to forward a letter to the Commissioners stating it is urgent to have subdivision regulations that comply with the Growth Policy.

The motion was carried by quorum.

Cross handed out a letter for the Board to review and discuss next week.

**ADJOURNMENT** The meeting was adjourned at approximately 11:30 p.m. on a motion by Fleming seconded by DeKort. The next meeting will be held at 6:00 p.m. on June 20, 2007.

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Gene Dziza, Chairperson

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Kayla Kile, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 7/18/07